

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EQUARN WHITE,

Plaintiff,

-v-

9:19-CV-1066

WARDEN,

Defendant.

APPEARANCES:

OF COUNSEL:

EQUARN WHITE
Plaintiff, Pro Se
1412100363
West Facility (WF)
16-06 Hazen Street
East Elmhurst, NY 11370

HON. LETITIA JAMES
New York State Attorney General
Attorneys for Defendants
28 Liberty Street
New York, NY 10005

LISA E. FLEISCHMANN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On August 26, 2019, *pro se* petitioner Equarn White (“petitioner”), then an inmate in the custody of the New York State Department of Corrections and

Community Supervision (“DOCCS”) at Clinton Correctional Facility (“Clinton C.F.”), filed this habeas corpus action alleging that he was denied the right to appeal in certain civil proceedings, that DOCCS officials failed to follow lawful procedures regarding referral to a treatment program, and that DOCCS officials retaliated against him for grievances he filed against them. Dkt. Nos. 1, 8.

On August 16, 2021, U.S. Magistrate Judge Daniel J. Stewart advised by Report & Recommendation (“R&R”) that petitioner’s petition should be denied and dismissed. Dkt. No. 19. Neither party has filed objections, and the time period in which to do so has expired. *See id.* Upon review for clear error, the Report & Recommendation will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

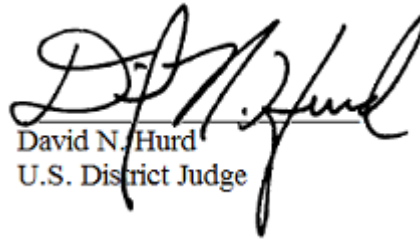
ORDERED that

1. The Report & Recommendation is ADOPTED;
2. Petitioner’s petition is DENIED and DISMISSED; and
3. No Certificate of Appealability shall issue because petitioner has failed to make “a substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253(c)(2).

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 7, 2021
Utica, New York.



David N. Hurd
U.S. District Judge